

Applicant: James A. Proctor Jr.
Application No.: 09/997,732

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 37, 38, 42, 43, 44, 48, 68, and 69 are currently pending in this application. Claims 37 and 43 are amended.

Request for Withdrawal of the Finality of the Office Action

The Applicant respectfully requests that the Examiner withdraw the finality of the Office Action mailed on June 23, 2008 because a Request for Continued Examination has been filed concurrently herewith.

Claim Rejections - 35 USC § 103

Claims 37, 42, 43, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noneman et al. (U.S. Pat 5708656) (hereinafter “Noneman”) in view of Jalali et al. (U.S. Pat. 5828662) (hereinafter “Jalali”).

Claims 38, 44, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noneman in view of Jalali and in further view of Fenton et al. (U.S. Pat. 5101416) (hereinafter “Fenton”).

Claims 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noneman in view of Jalali and in further view of Ling et al. (U.S. Pat 5619524) (hereinafter “Ling”).

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In view of the foregoing amendment, it is respectfully submitted that the Examiner's above-mentioned rejections are overcome. The cited Noneman, Jalali, Fenton and Ling alone or in any combination fail to teach or suggest a code division multiple access (CDMA) subscriber unit comprising: a bandwidth manager, coupled to the wireless transceiver, configured to receive a time slot assignment from the base station over the CDMA channel, wherein the time slot assignment is used for uplink transmissions during an idle mode only; the wireless transceiver configured to transmit an idle mode signal over the CDMA channel to the base station, the idle mode signal based on the time slot assignment when the wireless transceiver is powered on but not actively transmitting data to maintain timing alignment; wherein the idle mode signal alternates between sending bits and not sending bits in time slots, as is recited in the pending claim 37. Accordingly, Applicant believes the pending claim is novel over the cited art.

Claim 43 contains the similar features as claim 37, and Applicants believe it is novel for the same reasons provided above.

Claims 38, 42, 44, 48, 68, and 69 are dependent upon claims 37 and 43, and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the rejection of claims 37, 38, 42, 43, 44, 48, 68, and 69 is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure